

DOCKET SHEET WITH STATE COURT FILINGS

1. Certified Docket Sheet
2. Plaintiff's Original Petition and Jury Demand
3. Request for Citations
4. Citations for Defendants
5. Return of Service for A.C.G. TX General Partnership
6. Return of Service for A.C.G. Texas, LP
7. Return of Service for A.C.G. Texas Restaurants, LLC
8. Return of Service for Karyn Abrue
9. Return of Service for International House of Pancakes
10. Plaintiff's First Amended Original Petition and Jury Demand
11. Request for Citation Issuance
12. Issued Citation for Registered Agent for A.C.G.
13. Return of Service for Elite Restaurant Partnership

TAB 1

CASE # CV44961 COURT: 62ND JUDICIAL DISTRICT 04/12/2022

CAUSE: INJ/DAM-OTHER INJ/DAM

STYLE: PAUL CLAYTON, INDIVIDUALLY & VS ELITE RESTAURANT PARTNERS, LLC
BOTH AS REPRESENTATIVE OF THE A.C.G. TEXAS LP, A.C.G. TEXAS
ESTATE OF LATRCIA CLAYTON, GENERAL PARTNERSHIP, LLC

PLAINTIFF

NAME		ATTORNEY
CLAYTON, AALIYAH	P	GINN, JOHN P O BOX 493 315 S GILMER STREET SULPHUR SPRINGS, TX 75483 903-885-3116
CLAYTON, MALACHI	M	GINN, JOHN P O BOX 493 315 S GILMER STREET SULPHUR SPRINGS, TX 75483 903-885-3116
CLAYTON, PAUL	P	GINN, JOHN P O BOX 493 315 S GILMER STREET SULPHUR SPRINGS, TX 75483 903-885-3116
CLAYTON, SAMARA	M	GINN, JOHN P O BOX 493 315 S GILMER STREET SULPHUR SPRINGS, TX 75483 903-885-3116
LATRECIA CLAYTON, ESTATE OF	P	GINN, JOHN P O BOX 493 315 S GILMER STREET SULPHUR SPRINGS, TX 75483 903-885-3116

DEFENDANT

NAME		ATTORNEY
A.C.G. TEXAS GENERAL PARTNERSHIP LLC	D	
A.C.G. TEXAS RESTAURANTS, LLC	D	
REG AGENT COGENCY GLOBAL INC		
1601 ELM ST STE 4360		
DALLAS, TX 75201		
A.C.G. TEXAS, LP	D	
1601 ELM STREET, SUITE 4360		
DALLAS, TEXAS 75201		

A Certified Copy
ATTESTED:
District Clerk
Hopkins County, TX
Page 1 of 3

CASE # CV44961
CAUSE: INJ/DAM-OTHER INJ/DAM

COURT: 62ND JUDICIAL DISTRICT

04/12/2022

A.C.G. 3018, LP D
2701 E GEORGE BUSH FRWY
SUITE 250
PLANO TX 75074

A.C.G. 3411, L.P. D
JOSEPH E. LANGTEAU
1778 N. PLANOR RD,SUITE 100
RICHARDSON,TX 75081

GINN,JOHN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483
903-885-3116

ABRUE,KARYN D
203 RANCH HOUSE ROAD
ROCKWALL, TX 75032

ELITE RESTAURANT PARTNERS, LLC D
CORP TRUST COMPANY
CORPT TRUST CENTER 1209 ORANGE
WILMINGTON,NEW CASTLE DE 19801

INTERNATIONAL HOUSE OF PANCAKE D
211 E, 7TH STREET SUITE 620
AUSTIN, TEXAS 78701

TRANSACTIONS FOR ALL PARTIES

/ / THRU / /

03/01/2022	PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND/MH	I	11
CLAYTON, PAUL			
03/01/2022	CHARGES ASSESSED BY EFILE	406.00-	
CLAYTON, PAUL	EFILE ENVELOPE ID:62166069		
03/01/2022	LOCAL PAYMENT RECEIVED THRU EFILE	269.00	
CLAYTON, PAUL	EFILE SUBMITTER ID: GINN,EYDIE COURT ID: HOPKINS:D		
03/01/2022	STATE PAYMENT RECEIVED THRU EFILE	137.00	
CLAYTON, PAUL	EFILE SUBMITTER ID: GINN,EYDIE COURT ID: HOPKINS:D		
03/01/2022	LETTER REQUEST TO CLERK FOR CITATIONS/MH	I	3
CLAYTON, PAUL			
03/01/2022	REGISTERED AGENTS CITATIONS (7)/MH	I	7
CLAYTON, PAUL			
03/01/2022	EMAILED CITATIONS/MH	I	1
CLAYTON, PAUL			
03/11/2022	AFFIDAVIT OF RETURN OF PROCESS/A.C.G. TX GENERAL	I	3
CLAYTON, PAUL	PARTNERSHIP 03/04/2022/MH		
03/11/2022	CITATION RETURNED SERVED TO A.C.G. TEXAS, LP/MH	I	3
CLAYTON, PAUL			
03/11/2022	AFFIDAVIT OF RETURN OF PROCESS/A.C.G. TX RESTAURAN	I	3
CLAYTON, PAUL	LLC 03/04/2022/MH		
03/11/2022	CITATION RETURNED SERVED/KARYN ABRUE (3/5/22)/MH	I	3
CLAYTON, PAUL			
03/21/2022	RETURNED CITATION/INTERNATIONAL HOUSE OF PANCAKES	I	3
CLAYTON, PAUL	03/16/2022 /MH		
03/31/2022	PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION AND	I	12
CLAYTON, PAUL	JURY DEMAND/MH		
03/31/2022	LETTER TO DISTRICT CLERK FOR CITATION ISSUANCE/MH	I	2
CLAYTON, PAUL			

A Certified Copy
ATTESTED:
District Clerk
Hopkins County, TX
Page 2 of 3

CASE # CV44961

COURT: 62ND JUDICIAL DISTRICT

04/12/2022

CAUSE: INJ/DAM-OTHER INJ/DAM

04/01/2022	CHARGES ASSESSED BY EFILE	8.00-		
CLAYTON, PAUL	EFILE ENVELOPE ID:63163365			
04/01/2022	LOCAL PAYMENT RECEIVED THRU EFILE	8.00		
CLAYTON, PAUL	EFILE SUBMITTER ID: GINN,EYDIE COURT ID: HOPKINS:D			
04/01/2022	EMAILED CITATION/MH		I	1
CLAYTON, PAUL				
04/01/2022	ISSUED CITATION BY REGISTERED AGENT FOR A.C.G.		I	1
CLAYTON, PAUL	3411, LP/MH			
04/06/2022	AFFIDAVIT OF RETURN SERVICE ELITE RESTAURANT PARTN		I	2
CLAYTON, PAUL				

A CERTIFIED COPY

ATTEST:

CHERYL FULCHER, DISTRICT CLERK
HOPKINS COUNTY, TEXAS

BY

Makayla Holt

DEPUTY

DATE:

4/13/22

A Certified Copy
ATTESTED:
District Clerk
Hopkins County, TX
Page 3 of 3

TAB 2

CAUSE NO. _____

Page 1

II. **PARTIES**

Plaintiffs are residents of Hopkins County, Texas, and were LaTrecia Clayton's husband (Paul Clayton), and biological children (Malachi Clayton, Samara Clayton, and Aalyiah Clayton).

Defendant, Elite Restaurant Partners, LLC is a foreign LLC, incorporated in the State of Delaware, and operates International House of Pancakes facilities in Texas and/or employs individuals who operate those facilities or other restaurants and may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle, Delaware 19801.

Defendant, A.C.G. Texas, L.P. ACG is a limited liability partnership and operates International House of Pancakes facilities in Texas and/or employs individuals who work in and for those restaurant facilities. ACG, Texas, in fact operates one such facility and/or employed LaTrecia Clayton in Sulphur Springs, Texas where at least a substantial portion of this cause of action arose. A.C.G., TEXAS, L.P. is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant, A.C.G. Texas General Partnership, L.L.C, is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant A.C.G. 3018, L.P. , is authorized to do business in the State of Texas and may be served with process through its registered agent, A.C.G. Texas, L.P. 2701 E. George Bush Freeway, Suite 250, Plano, Texas 75074.

Defendant A.C.G. Texas Restaurants, L.L.C. is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant International House of Pancakes, L.L.C. is authorized to do business in the State of Texas and may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620, Austin, Texas 78701.

Defendant **Karyn Abrue**, (hereinafter referred to as “ABRUE”) is an individual who resides in Rockwall, Rockwall County, Texas and may be served with process at her residence located at 203 Ranch House Road, Rockwall, Texas 75032 or wherever she may be found.

III. **JURISDICTION AND VENUE**

This Court has jurisdiction over this lawsuit, because all of the facts and events that give rise to Plaintiffs’ claims occurred in the State of Texas, and because Plaintiffs’ damages are within the jurisdictional limits of the Court.

Venue is proper in Hopkins County, Texas, because (1) a substantial part of the events or omissions giving rise to Plaintiffs’ claims in this lawsuit occurred in Hopkins County; (2) Defendants have a principal place of business in Hopkins County; and (3) maintenance of the action in Hopkins County will not work an injustice to the Defendants. *See* TEX. CIV. PRAC. & REM. CODE §15.002(a) – (b).

As required by Rule 47(b) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs’ counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the TEX. RULES OF CIV. PROC., Plaintiffs’ counsel states that Plaintiffs

seek monetary relief over \$1,000,000.00. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

IV. **FACTS**

The Decedent, LaTrecia Clayton was a valued employee of the Defendants, working at the Sulphur Springs International House of Pancakes Restaurant. She had been employed by Defendants for a number of years and had received praise for her work and commitment to the Defendants' enterprises. In March of 2020, the COVID-19 Pandemic forced a closure of the Sulphur Springs IHOP location, among others, and LaTrecia Clayton was terminated or laid off from her position with the company. In accordance with accepted practices, she immediately applied for unemployment benefits and was accepted. Shortly after that, the Defendants requested that she come back to work in her previous position and advised her to give up her unemployment benefits which included the right to health insurance coverage. In fact, Defendants advised the Plaintiff that she would lose her unemployment benefits if she refused to come back because Defendants would notify unemployment that her old position was available. Defendants entered into this action for their own economic benefit at the expense of LaTrecia Clayton. In a gross misrepresentation the Defendants advised LaTrecia that she would have health coverage as before in the same manner as her previous employment. In fact, she was advised she was simply returning to her same position as before. That was not the case and health insurance was never provided to her upon her return to work. That was true despite the fact that there were continuing promises that it would be reinstated within a short time. Further, many of the entitlements and benefits of her position were never restored to Pre-Covid status.

LaTrecia fell ill with cancer almost immediately on her return to work with the Defendants and was unable to receive necessary treatment from the time of her diagnosis on June 25, 2020 until finally qualifying for Medicaid during mid August 2020. During that time she suffered considerable pain, discomfort, and did not get the treatment she needed that would have almost certainly have prevented her death which occurred on June 30, 2021.

V.

CAUSES OF ACTION AGAINST DEFENDANTS

I. STATUS OF DEFENDANTS

The Defendants at all times alleged herein acted in the furtherance of the Business enterprise(s) that were served by LaTrecia Clayton in her role as an employee, borrowed servant, or other capacity under the control and direction of the Defendants. Defendants acted singularly, or in the alternative, in concert with one another to commit the acts alleged herein. Such actions were for their own individual and/or collective economic benefit at the expense of the health and life of LaTrecia Clayton.

A. NEGLIGENCE OF DEFENDANTS

Defendants were negligent in failing to use ordinary care in advising employees and prospective employees and in particular, LaTrecia Clayton, as to the availability and applicability of health insurance upon her return to work. An ordinarily prudent employer would have understood and appreciated both the fact that the Plaintiff was coverable by Health Insurance while on unemployment coverage through the State of Texas, and not carelessly jeopardized that coverage in a demand to return to employment without such coverage being available. This is especially true during a time of National Health Crisis such as the Covid-19 Pandemic. In fact, Defendants were negligent not only in Failing to advise of the non-existence of coverage, they went so far as

to represent that coverage was to be provided upon LaTrecia's return to employment. They further forced the Plaintiff's return to work by threatening action that would deny the Plaintiff unemployment benefits if she did not return to work. They negligently misrepresented that she could return to her old job with all of its same right and benefits. These representations were negligent misrepresentations by the defendants that were entirely false and relied upon by the plaintiff to her significant detriment. Such negligence as outlined in this paragraph and more fully herein above and below on the part of the defendants' was the proximate cause of physical pain, mental anguish, and physical impairment suffered by LaTrecia Clayton, and ultimately her death. Plaintiffs herein are wrongful death beneficiaries and bring those claims accordingly as well as a survival claim by the estate.

A. INTENTIONAL MISREPRESENTATION BY THE DEFENDANTS

The Defendants at all times material hereto were aware that the representations made to LaTrecia Clayton were misleading and false. In particular, Defendants had no intention of offering health insurance coverage or other entitlement previously provided through her employment on LaTrecia's return to work and yet made the blatantly false misrepresentation that the same would be provided. In fact, the Defendant's enticed LaTrecia to return and compelled the same by telling her she would be provided insurance within two weeks. After working at IHOP for a month, they left her without the opportunity for treatment, proximately causing pain, anguish and ultimately her death.

B. FRAUD IN THE INDUCEMENT BY THE DEFENDANTS

The Defendants committed fraud in the inducement by advising LaTrecia that if she returned to work she would be covered by insurance and that she must give up unemployment benefits in

order to keep her same position of employment with the Defendants. Such a fraudulent representation was 1) material in that it's falsity in that it deprived LaTrecia of badly needed medical care during an illness that ultimately took her life. 2) The representation was false in that the insurance was not provided and not available to Latricia. 3) When the defendants, either themselves, or through their agents, employees or servants, made the representation, they knew it was false or recklessly asserted it without knowledge of it's truth. 4) When the statement was made, Defendants intended that it be acted upon by LaTrecia in order to get her to come back to her place of employment with them. 5) LaTrecia relied to her detriment on the false representation and gave up the right to insurance coverage and other entitlements returned to work with the Defendants, and 6) LaTrecia was harmed as a result and ultimately died due to the misrepresentation by the Defendants.

VICARIOUS LIABILITY, RESPONDEAT SUPERIOR, AGENCY, OSTENSIBLE AGENCY

At all times material hereto and during the matters alleged herein, the Defendant, Karyn Abrue, and any other individuals not specifically named herein, but implicit in the misrepresentations described herein were employees of the Defendants, acting within their course and scope of employment of the Defendants, and were under the control of the Defendants and their actions were at all times known fully to the Defendants and as such, the conduct of those making the representations herein alleged is impuned directly to the Defendants named herein. As such, the Plaintiffs invoke the doctrines of vicarious liability, respondeat superior, agency, and ostensible agency.

VI.
DAMAGES

A. ESTATE OF LATRICIA CLAYTON SURVIVORSHIP CLAIM

As a proximate result of the negligence, gross negligence, and in the alternative intentional acts of the Defendants their servants, employees, and or agents, as above described, Plaintiffs, both Individually and as Representatives of the Estate of LaTrecia Clayton, would show that pursuant to Section 71 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE (the “Survival Statute”), as the Representatives of the Estate of LaTrecia Clayton, are entitled to bring this suit for the injuries that she received which resulted in her death. Such survival damages include the pain and suffering and mental anguish that she suffered prior to her death, including the conscious physical pain and emotional pain, torment, and suffering experienced by her before her death as a result of the misrepresentations in question.

B. PLAINTIFFS’ WRONGFUL DEATH CLAIMS

Further, pursuant to Section 71 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE (the “Wrongful Death Statute”), Plaintiffs as the surviving spouse and children of LaTrecia Clayton and individually and on behalf of all statutory beneficiaries under the Wrongful Death Statute, are entitled to bring this cause of action for all damages that they have suffered as a result of the wrongful death of LaTrecia Clayton.

Such wrongful death damages, for the past and future, includes the Plaintiffs’ pecuniary loss, meaning the loss of care, maintenance, support, services, advice, counsel and reasonable contributions of a pecuniary value that they would, in reasonable probability, have received from LaTrecia had she lived; the Plaintiffs’ loss of companionship and society, meaning the loss of the positive benefits flowing from the love, comfort, companionship, and society that they would, in

reasonable probability, have received from LaTrecia had she lived; the Plaintiffs' mental anguish, meaning the emotional pain, torment, and suffering experienced by Plaintiffs because of the death of LaTrecia, and the Plaintiffs' loss of inheritance resulting from the death of LaTrecia

For the reasons set forth above, Plaintiffs have suffered loss and damages in an amount that exceeds the minimum jurisdictional limits of this Court, for which Plaintiffs hereby sue.

C. DAMAGES OF ESTATE OF LATRECIA CLAYTON.

As a result of Defendants' negligence or in the alternative, intentional acts, the Estate of LaTrecia Clayton has suffered the following injuries in the past:

- (a) Physical pain and suffering in the past;
- (b) Mental anguish in the past;
- (c) Physical impairment; and
- (d) Funeral and burial expenses.

D. DAMAGES OF PLAINTIFFS AS A WRONGFUL DEATH BENEFICIARIES

As a result of Defendants' negligence or in the alternative intentional acts, Plaintiffs have suffered the following injuries in the past and will continue into the future:

- (a) Mental anguish;
- (b) Pain and suffering;
- (c) Loss of companionship and society;
- (d) Loss of inheritance; and
- (e) Loss of wages and income that would have been received but for the death of LaTrecia.
- (f) Pecuniary loss at her death.

In addition to the foregoing, Plaintiffs further seek exemplary and punitive damages in this case.

As required by Rule 47(b) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs' counsel state that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs' counsel state that Plaintiffs seek monetary relief over \$1,000,000.00. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

VII.
JURY DEMAND

Plaintiffs demand a jury trial and have tendered the appropriate fee.

VIII.
CONDITIONS PRECEDENT & CAPACITIES

All conditions precedent, if any, have been performed or have occurred. Plaintiffs sue Defendants in all capacities in which they are entitled to recover.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon the trial of this cause, Plaintiffs have judgment against Defendants, both jointly and severally, for all of their damages as set out herein, pre-judgment interest at the highest legal rate allowed by law, post-judgment interest at the highest legal rate allowed by law, all cost of court, and for such other and further relief, both general and special, either at law or in equity, to which Plaintiffs deem themselves justly entitled.

Respectfully submitted,

SMITH MCDOWELL GINN

By: 

JOHN C. GINN

State Bar No. 07966900

SMITH, McDOWELL & GINN

315 South Gilmer

Sulphur Springs, Texas 75482

903-855-3116

903-885-7549 Fax

jcgin@easttexaslaw.com

ATTORNEY FOR THE PLAINTIFFS

TAB 3

CV44961

Filed 3/1/2022 11:29 AM
Cheryl Fulcher
District Clerk
Hopkins County, Texas
Makayla Holt

LAW OFFICES

SMITH McDOWELL GINN

315 GILMER STREET • P.O. Box 493
SULPHUR SPRINGS, TEXAS
75483

HOWARD S. SMITH (1912-1988)
WILLIAM McDOWELL, P.C.
JOHN C. GINN*

BOARD CERTIFIED
TEXAS BOARD OF LEGAL SPECIALIZATION
*PERSONAL INJURY TRIAL LAW
NATIONAL BOARD OF TRIAL ADVOCACY
*CIVIL TRIAL LAW

March 1, 2022

TELEPHONE
(903) 885-3116
FAX
(903) 885-7549
*ALSO LICENSED IN THE
DISTRICT OF COLUMBIA

Ms. Cheryl Fulcher
282 Rosemont Street, Suite 2
Sulphur Springs, Texas

Re: Hopkins, Texas
Paul Clayton, Individually and Both as Representative of the Estate of Latrecia Clayton,
Deceased and As Next Friend for Malachi Clayton, Samara Clayton, Minor Children, &
Aaliyah Clayton, Individually vs. Elite Restaurant Partners, LLC, A.C.G. Texas, LP,
A.C.G. Texas General Partnership, LLC, A.C.G. 308, L.P., A.C.G. Texas Restaurants,
L.L.C., International House of Pancakes, L.L.C., and Kay Abrue
Request for Citations

Dear Ms. Fulcher:

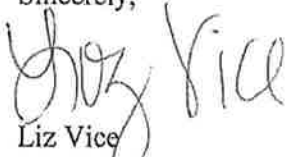
Please issue a citation for the followings Respondents:

- Elite Restaurant Partners, LLC
Registered Agent -The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Willmington, New Castle, Delaware 19801
- A.C.G. Texas, L.P.
Registered Agent - Cogency Global Inc.
1601 Elm Street, Suite 4360
Dallas, Texas 75201
- A.C.G. Texas General Partnership, L.L.C.
Registered Agent - Cogency Global Inc.
160 Elm Street, Suite 4360
Dallas, Texas 75201
- A.C.G. 3018, L.P.
Registered Agent - A.C.G. Texas, L.P.
2701 E. George Bush Freeway, Suite 250
Plano, Texas 75074

- A.C.G. Texas Restaurants, L.L.C.
Registered Agent - Cogency Global Inc.
1601 Elm Street, Suite 4360
Dallas, Texas 75201
- House of Pancakes, L.L.C.
Registered Agent - Corporation Service Company
d/b/a CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701
- Karyn Abrue
203 Ranch House Road
Rockwall, Texas 75032

After the citation has been issued, please forward to me at lv@easttexaslaw.com for service by a private process server.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Vice".

Liz Vice
Legal Assistant to John C. Ginn

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Vice on behalf of John Ginn
Bar No. 07966900
lv@easttexaslaw.com
Envelope ID: 62176998
Status as of 3/1/2022 1:13 PM CST

Associated Case Party: Paul Clayton

Name	BarNumber	Email	TimestampSubmitted	Status
John C. Ginn		jcginn@easttexaslaw.com	3/1/2022 11:29:21 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/1/2022 11:29:21 AM	SENT
Liz Vice		lv@easttexaslaw.com	3/1/2022 11:29:21 AM	SENT

TAB 4

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS, LP

REGISTERED AGENT: COGENCY GLOBAL INC.
160 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

A.C.G. TEXAS, LP

vs

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the __ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __.M. on the __ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
_____, County, Texas

By: _____
Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: ELITE RESTAURANT PARTNERS, LLC

REGISTERED AGENT: THE CORPORATION TRUST CO.
1209 ORANGE STREET
WILLMINGTON, NEW CASTLE, DELAWARE 1901

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. **CV44961**

PAUL CLAYTON

VS

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __M., on the __ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __M. on the __ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
County, Texas

By: _____
Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS GENERAL PARTNERSH

REGISTERED AGENT: COGENCY GLOBAL INC.
160 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

vs

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the __ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __.M. on the __ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
_____, County, Texas

By: _____
Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. 3018, LP

REGISTERED AGENT: A.C.G TEXAS L.P
2701 E. GEORGE BUSH FREEWAY, SUITE 250
PLANO, TX 75074

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

VS

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the __ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __.M. on the __ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
County, Texas
By: _____
Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS RESTAURANTS, LLC

REGISTERED AGENT: COGENCY GLOBAL INC.
1601 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. **CV44961**

PAUL CLAYTON

A.C.G. TEXAS, LP

vs

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the ____ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __.M. on the ____ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
_____, County, Texas
By: _____
_____, Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: INTERNATIONAL HOUSE OF PANCAKE

REGISTERED AGENT: CORPERATION
COMPANY B/D/A CSC-
LAWYERS INCORPORATING
SERVICE CO.
211 E. 7TH STREET, SUITE 620
AUSTIN, TX 78701

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

VS

A.C.G. TEXAS, LP

Filed in said Court on **1st day of March, 2022.**

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the __ day of _____, _____. Executed at _____ in _____ County at _____ o'clock __.M. on the __ day of _____, 20__, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
_____, County, Texas
By: _____
_____, Sheriff/Constable/Deputy/PPS

CAUSE NO. CV44961

THE STATE OF TEXAS:

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT ST, SUITE 2
SULPHUR SPRINGS, TX 75482

ATTORNEY FOR PLAINTIFF/DEFENDANT

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: ABRUE, KARYN
203 RANCH HOUSE ROAD
ROCKWELL, TX 75032

DEFENDANT:

You are hereby commanded to appear before the 62ND JUDICIAL DISTRICT Court of Hopkins County, Texas, to be held at the courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON
CLAYTON, AALIYAH
LATRECIA CLAYTON, ESTATE OF
VS
A.C.G. TEXAS, LP
ELITE RESTAURANT PARTNERS, LLC
A.C.G. TEXAS GENERAL PARTNERSH
A.C.G. 3018, LP
A.C.G. TEXAS RESTAURANTS, LLC
INTERNATIONAL HOUSE OF PANCAKE
ABRUE, KARYN

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, DEPUTY

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __, M., on the __ day of _____, ____.
Executed at (address) _____ in _____ County at _____ o'clock __M. on the
__ day of _____, __, by delivering to the within named _____, in
person, a true copy of this citation together with the accompanying copy of the petition, having first attached
such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.
TOTAL SERVICE FEE \$ _____

Sheriff/Const/PPS
County, Texas

TAB 5

CV44961

Filed 3/11/2022 11:24 AM
 Cheryl Fulcher
 District Clerk
 Hopkins County, Texas
 Makayla Holt

AFFIDAVIT OF RETURN OF PROCESS

Came to hand on the 2 day of March, AD 2022, at 4:15 o'clock P.m. and executed the 4 day of March, AD 2022 in Dallas County at 9:28 o'clock a.m. by delivering to ALG Tx General Partnership in person a true and correct copy of this Citation in Cause Number CV44961 and accompanying a copy of said documents:

Plaintiff's Original Petition

Served at

11001 Elm St, Dallas, TX 75201

Signature of party receiving this Citation:

x _____

_____, County.

Service completed: ☒ Personal Service: by delivering a true copy of aforesaid documents personally.☐ Affidavit of Attempted Service for Alternative Service; see attached.☐ Alternative Service via: _____Service of Citation fee: \$ 65.00Miles Traveled: 184Mileage Fee: \$ 104.00Total: \$ 169.00

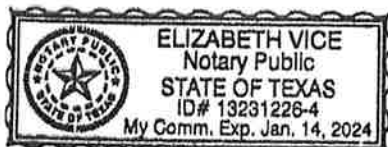
I, Ashley Stubblefield, being duly sworn, depose and say: I am over the age of 18 years old and not a party to this action. I was authorized by law to complete service of the documents and inform said person of the contents herein. My Certification number is PSC 17877 and expires February 28, 2022.

Ashley Stubblefield
 Ashley Stubblefield, PPS
 Hopkins County, Texas

Date: 3/4/22

THE STATE OF TEXAS

VERIFICATION OF RETURN (IF NOT SERVED BY A PEACE OFFICER)

Sworn to and subscribed before me on March 4, 2022.

Elizabeth Vice
 NOTARY PUBLIC, STATE OF TEXAS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER - DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS GENERAL PARTNERSH

REGISTERED AGENT: COGENCY GLOBAL INC.
160 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the 62ND JUDICIAL DISTRICT Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

vs

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER - DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 4:15 o'clock P.M., on the 2 day of March, 2022. Executed at 1601 Elm St, Dallas, Tx in Dallas County at 9:28 o'clock a.m. on the 4 day of March, 2022, by delivering to the within named ALL Texas General Partnerships in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

By: Amber Stubbins, Sheriff/Const
County, Texas
Sheriff/Constable/Deputy/PPS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Vice on behalf of John Ginn
Bar No. 07966900
lv@easttexaslaw.com
Envelope ID: 62528273
Status as of 3/11/2022 12:00 PM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/11/2022 11:24:45 AM	SENT
John C.Ginn		jcginn@easttexaslaw.com	3/11/2022 11:24:45 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/11/2022 11:24:45 AM	SENT

TAB 6

CV44961

Filed 3/11/2022 11:29 AM
 Cheryl Fulcher
 District Clerk
 Hopkins County, Texas
 Makayla Holt

AFFIDAVIT OF RETURN OF PROCESS

Came to hand on the 2 day of March, AD 2022, at 4:15 o'clock P.m. and executed the 4 day of March, AD 2022 in Dallas County at 9:28 o'clock A.m. by delivering to A.C.G. Texas, LP in person a true and correct copy of this Citation in Cause Number CV44961 and accompanying a copy of said documents:

Plaintiff's Original Petition

Served at

1601 Elm St, Dallas, Tx 75201

Signature of party receiving this Citation:

x _____

_____, County.

Service completed: ☒ Personal Service: by delivering a true copy of aforesaid documents personally.☐ Affidavit of Attempted Service for Alternative Service; see attached.☐ Alternative Service via: _____Service of Citation fee: \$ 65.00Miles Traveled: 184Mileage Fee: \$ 0Total: \$ 65.00

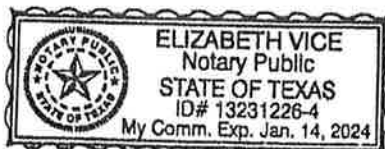
I, Ashley Stubblefield, being duly sworn, depose and say: I am over the age of 18 years old and not a party to this action. I was authorized by law to complete service of the documents and inform said person of the contents herein. My Certification number is PSC 17877 and expires February 28, 2022.

Ashley Stubblefield
 Ashley Stubblefield, PPS
 Hopkins County, Texas

Date: 3/4/22

THE STATE OF TEXAS

VERIFICATION OF RETURN (IF NOT SERVED BY A PEACE OFFICER)

Sworn to and subscribed before me on March 4, 2022.

Elizabeth Vice
 NOTARY PUBLIC, STATE OF TEXAS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS, LP

REGISTERED AGENT: COGENCY GLOBAL INC.
160 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

vs

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 4:15 o'clock P.M., on the 2 day of March, 2022 Executed at 1101 Elm St, Dallas, TX in Dallas County at 9:28 o'clock A.M. on the 4 day of March, 2022 by delivering to the within named A.C.G. TEXAS, LP, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

By: [Signature] Sheriff/Const
County, Texas
Sheriff/Constable/Deputy/PPS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Vice on behalf of John Ginn
Bar No. 07966900
lv@easttexaslaw.com
Envelope ID: 62528624
Status as of 3/11/2022 12:00 PM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/11/2022 11:29:18 AM	SENT
John C. Ginn		jcginn@easttexaslaw.com	3/11/2022 11:29:18 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/11/2022 11:29:18 AM	SENT

TAB 7

CV44961

Filed 3/11/2022 11:31 AM

Cheryl Fulcher

District Clerk

Hopkins County, Texas

Makayla Holt

AFFIDAVIT OF RETURN OF PROCESS

Came to hand on the 2 day of March, AD 2022, at 4:15 o'clock p.m. and executed the 4 day of March, AD 2022 in Dallas County at 9:28 o'clock a.m. by delivering to A.C.G Texas Restaurants, LLC in person a true and correct copy of this Citation in Cause Number CV44961 and accompanying a copy of said documents:

Plaintiff's Original Petition

Served at

1601 Elm Street, Ste. 4360, Dallas, Tx 75201

Signature of party receiving this Citation:

x _____

_____, County.

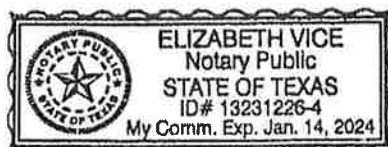
Service completed: ☒ Personal Service: by delivering a true copy of aforesaid documents personally.☐ Affidavit of Attempted Service for Alternative Service; see attached.☐ Alternative Service via: _____Service of Citation fee: \$ 65.00Miles Traveled: 184Mileage Fee: \$ 0Total: \$ 65.00

I, Ashley Stubblefield, being duly sworn, depose and say: I am over the age of 18 years old and not a party to this action. I was authorized by law to complete service of the documents and inform said person of the contents herein. My Certification number is PSC 17877 and expires February 28, 2024.

Ashley Stubblefield Date: 3/4/22
Ashley Stubblefield, PPS
Hopkins County, Texas

THE STATE OF TEXAS

VERIFICATION OF RETURN (IF NOT SERVED BY A PEACE OFFICER)

Sworn to and subscribed before me on March 4, 2022.

Elizabeth Vice
NOTARY PUBLIC, STATE OF TEXAS

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER - DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. TEXAS RESTAURANTS, LLC

REGISTERED AGENT: COGENCY GLOBAL INC.
1601 ELM STREET, SUITE 4360
DALLAS, TX 75201

DEFENDANT:

You are hereby commanded to appear before the 62ND JUDICIAL DISTRICT Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON

A.C.G. TEXAS, LP

vs

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER - DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 4:15 o'clock P.M., on the 2 day of March, 2022. Executed at 1601 Elm St. Dallas, Tx in Dallas County at 9:28 o'clock A.M. on the 4 day of March, 2022, by delivering to the within named A.C.G. Texas Restaurants, LLC, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

By: Archie Stubbins, Sheriff/Const
County, Texas
Sheriff/Constable/Deputy/PPS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Vice on behalf of John Ginn
Bar No. 07966900
lv@easttexaslaw.com
Envelope ID: 62528907
Status as of 3/11/2022 12:01 PM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/11/2022 11:31:51 AM	SENT
John C.Ginn		jcginn@easttexaslaw.com	3/11/2022 11:31:51 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/11/2022 11:31:51 AM	SENT

TAB 8

CV44961

Filed 3/11/2022 11:41 AM
 Cheryl Fulcher
 District Clerk
 Hopkins County, Texas
 Makayla Holt

AFFIDAVIT OF RETURN OF PROCESS

Came to hand on the 2 day of March, AD 2022, at 4:15 o'clock p.m. and executed the 5 day of March, AD 2022 in Rockwall County at 3:00 o'clock p.m. by delivering to Karyn Abrue in person a true and correct copy of this Citation in Cause Number CV44961 and accompanying a copy of said documents:

Original Petition

Served at 203 Ranch House Rd Rockwall TX 75082

Signature of party receiving this Citation:

[Signature]
Rockwall County.

Service completed: ☒ Personal Service: by delivering a true copy of aforesaid documents personally.

☐ Affidavit of Attempted Service for Alternative Service; see attached.

☐ Alternative Service via: _____

Service of Citation fee: \$ 65.00

Miles Traveled: 130

Mileage Fee: \$ 73.00

Total: \$ 138.00

I, Richard Brantley, being duly sworn, depose and say: I am over the age of 18 years old and not a party to this action. I was authorized by law to complete service of the documents and inform said person of the contents herein. My Certification number is PSC12565 and expires March 31, 2022.

[Signature]

Date: 3-5-2022

Richard Brantley, PPS
 Hopkins County, Texas

THE STATE OF TEXAS

VERIFICATION OF RETURN (IF NOT SERVED BY A PEACE OFFICER)

Sworn to and subscribed before me on 3-5, 2022.

[Signature]
 NOTARY PUBLIC, STATE OF TEXAS



CAUSE NO. CV44961

THE STATE OF TEXAS:

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT ST, SUITE 2
SULPHUR SPRINGS, TX 75482

ATTORNEY FOR PLAINTIFF/DEFENDANT

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: ABRUE, KARYN
203 RANCH HOUSE ROAD
ROCKWELL, TX 75032

DEFENDANT:

You are hereby commanded to appear before the 62ND JUDICIAL DISTRICT Court of Hopkins County, Texas, to be held at the courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON
CLAYTON, AALIYAH
LATRECIA CLAYTON, ESTATE OF
VS
A.C.G. TEXAS, LP
ELITE RESTAURANT PARTNERS, LLC
A.C.G. TEXAS GENERAL PARTNERSH
A.C.G. 3018, LP
A.C.G. TEXAS RESTAURANTS, LLC
INTERNATIONAL HOUSE OF PANCAKE
ABRUE, KARYN

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this 1st day of March A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, DEPUTY

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 4:15 o'clock p. M., on the 2 day of March, 2022
Executed at (address) 203 Ranchhouse Rd in Rockwall County at 3:00 o'clock p. M. on the
5 day of March, 2022, by delivering to the within named Karyn Abrue, in
person, a true copy of this citation together with the accompanying copy of the petition, having first attached
such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.
TOTAL SERVICE FEE \$ _____

Richard Brantley PSC 12505 Exp 3-31-22
Sheriff/Const/PPS
County: Texas

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elizabeth Vice on behalf of John Ginn
Bar No. 07966900
lv@easttexaslaw.com
Envelope ID: 62529587
Status as of 3/11/2022 12:03 PM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/11/2022 11:41:44 AM	SENT
John C.Ginn		jcginn@easttexaslaw.com	3/11/2022 11:41:44 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/11/2022 11:41:44 AM	SENT

TAB 9

MAR-14-2022 10:26

CONSTABLE PCT 5 CV44961

5128544757

Filed 3/21/2022 8:10 AM
P.02 Cheryl Fulcher
District Clerk
Hopkins County, Texas
Makayla Holt

Cause No.: CV44961

{
{
{

In the 62nd District Court
HOPKINS County

Plaintiff:

PAUL CLAYTON

Defendant:

A.C.G. TEXAS LP

Officer's Return

Came to hand March 14, 2022 at 2:58 P.M. and executed in Travis County, Texas, on March 16, 2022 at 11:30 A.M. by delivering to INTERNATIONAL HOUSE OF PANCAKE by delivering to its registered agent, Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701, by delivering to EVIE LICHTENWALTER designated agent for service, a true copy of the citation FOR PERSONAL SERVICE together with accompanying copy of the Plaintiff's petition.

Carlos B. Lopez,
Travis County Constable Precinct 5
Travis County, Texas

by: 
Michael Untermeyer, Deputy

MAR-14-2022 10:26

CONSTABLE PCT 5

5128544757

P.03

CAUSE NO. CV44961

THE STATE OF TEXAS:

CHERYL FULCHER - DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

ATTORNEY FOR PLAINTIFF OR DEFENDANT
JOHN GINN
JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

RECEIVED
MAR 14 PM 2:58
CONSTABLE PCT 5
HOPKINS COUNTY, TEXAS

CITATION FOR PERSONAL SERVICE

TO: INTERNATIONAL HOUSE OF PANCAKE

REGISTERED AGENT: CORPORATION
COMPANY B/D/A CSC-
LAWYERS INCORPORATING
SERVICE CO.
211 E. 7TH STREET, SUITE 620
AUSTIN, TX 78701

DEFENDANT:

You are hereby commanded to appear before the 62ND JUDICIAL DISTRICT Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. CV44961

PAUL CLAYTON VS

A.C.G. TEXAS, LP

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of March A.D., 2022.



CHERYL FULCHER - DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makayla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __M., on the ____ day of _____, Executed at _____ in _____ County at _____ o'clock __M. on the ____ day of _____, 20__, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

Carlos B. Lopez
Constable Pct. 5, Travis County, Texas



Sheriff/Constable/Deputy/PPS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Eydie Ginn on behalf of John Ginn
Bar No. 07966900
eg@easttexaslaw.com
Envelope ID: 62769539
Status as of 3/21/2022 8:10 AM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/21/2022 7:59:24 AM	SENT
John C.Ginn		jcginn@easttexaslaw.com	3/21/2022 7:59:24 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/21/2022 7:59:24 AM	SENT

TAB 10

CAUSE NO. CV44961

PAUL CLAYTON, INDIVIDUALLY AND	§	IN THE DISTRICT COURT
BOTH AS REPRESENTATIVE OF THE	§	
ESTATE OF LATRECIA CLAYTON,	§	
DECEASED AND AS NEXT FRIEND FOR	§	
MALACHI CLAYTON, SAMARA CLAYTON, §		
MINOR CHILDREN, & AALIYAH CLAYTON,		
INDIVIDUALLY;		
Plaintiffs,	§	
vs.	§	62nd JUDICIAL DISTRICT
	§	
ELITE RESTAURANT PARTNERS, LLC,		
A.C.G. TEXAS, LP, A.C.G. TEXAS		
GENERAL PARTNERSHIP, LLC,		
A.C.G. 3018, L.P., A.C.G. TEXAS RESTAURANTS,		
L.L.C., INTERNATIONAL HOUSE OF		
PANCAKES, L.L.C., KARYN ABRUE, AND		
A.C.G. 3411, L.P.	§	
	§	
	§	
	§	
Defendants.	§	HOPKINS COUNTY, TEXAS

PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION AND JURY DEMAND

COMES NOW, PAUL CLAYTON, both Individually, As Next Friend for Malachi Clayton, Samara Clayton, minors and as Representative of the Estate of LaTrecia Clayton, and AALIYAH CLAYTON, seeking damages for the loss of their wife and biological mother respectively, LaTrecia Clayton, deceased (hereinafter referred to as "Plaintiffs"), complaining of Elite Restaurant Partners, LLC, A.C.G. Texas, LP, A.C.G. Texas General Partnership, L.L.C., A.C.G. 3018, L.P., A.C.G. Texas Restaurants, L.L.C., International House of Pancakes, L.L.C., AND KARYN ABRUE, (hereinafter collectively referred to as "Defendants"), and for the cause of action would respectfully show the Court the following:

I.**DISCOVERY CONTROL PLAN**

Discovery in this matter is intended to be conducted under Level 3 of the TEXAS RULES OF CIVIL PROCEDURE.

II. **PARTIES**

Plaintiffs are residents of Hopkins County, Texas, and were LaTrecia Clayton's husband (Paul Clayton), and biological children (Malachi Clayton, Samara Clayton, and Aalyiah Clayton).

Defendant, Elite Restaurant Partners, LLC is a foreign LLC, incorporated in the State of Delaware, and operates International House of Pancakes facilities in Texas and/or employs individuals, including LaTrecia Clayton, who operate those facilities or other restaurants and may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle, Delaware 19801.

Defendant, A.C.G. Texas, L.P. ACG is a limited liability partnership and operates International House of Pancakes facilities in Texas and/or employs individuals who work in and for those restaurant facilities. ACG, Texas, in fact operates one such facility and/or employed LaTrecia Clayton in Sulphur Springs, Texas where at least a substantial portion of this cause of action arose. A.C.G., TEXAS, L.P. is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant, A.C.G. 3411, L.P. is located at 1788 North Plano Rd, Suite 100, Richardson, TX 75081 and is a limited partnership and operates the International House of Pancakes facility in Texas as a Franchisee of IHOP and/or employs individuals who work in and for those restaurant facilities. A.C.G., 3411 L.P., in fact operates and owns the Sulphur Springs IHOP location and/or employed LaTrecia Clayton in Sulphur Springs, Texas where at least a substantial portion of this cause of action arose. A.C.G. 3411, L.P. is authorized to do business

in the State of Texas and may be served with process through its registered agent, Joseph E. Langteau at 1778 North Plano Road, Suite 100, Richardson, Texas 75081.

Defendant, A.C.G. Texas General Partnership, L.L.C, is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant A.C.G. 3018, L.P. , is authorized to do business in the State of Texas and may be served with process through its registered agent, A.C.G. Texas, L.P: 2701 E. George Bush Freeway, Suite 250, Plano, Texas 75074.

Defendant A.C.G. Texas Restaurants, L.L.C. is authorized to do business in the State of Texas and may be served with process through its registered agent, Cogency Global Inc, 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

Defendant International House of Pancakes, L.L.C. is authorized to do business in the State of Texas and may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620, Austin, Texas 78701.

Defendant **Karyn Abrue**, (hereinafter referred to as "ABRUE") is an individual who resides in Rockwall, Rockwall County, Texas and may be served with process at her residence located at 203 Ranch House Road, Rockwall, Texas 75032 or wherever she may be found.

To the extent necessary, all pleadings and party designations herein are to be considered in the alternative.

III.

JURISDICTION AND VENUE

This Court has jurisdiction over this lawsuit, because all of the facts and events that give

rise to Plaintiffs' claims occurred in the State of Texas, and because Plaintiffs' damages are within the jurisdictional limits of the Court.

Venue is proper in Hopkins County, Texas, because (1) a substantial part of the events or omissions giving rise to Plaintiffs' claims in this lawsuit occurred in Hopkins County; (2) Defendants have a principal place of business in Hopkins County; and (3) maintenance of the action in Hopkins County will not work an injustice to the Defendants. *See* TEX. CIV. PRAC. & REM. CODE §15.002(a) – (b).

As required by Rule 47(b) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs' counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the TEX. RULES OF CIV. PROC., Plaintiffs' counsel states that Plaintiffs seek monetary relief over \$1,000,000.00. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

IV. **FACTS**

The Decedent, LaTrecia Clayton was a valued employee of the Defendants, working at the Sulphur Springs International House of Pancakes Restaurant. She had been employed by Defendants for a number of years and had received praise for her work and commitment to the Defendants' enterprises. In March of 2020, the COVID-19 Pandemic forced a closure of the Sulphur Springs IHOP location, among others, and LaTrecia Clayton was terminated or laid off from her position with the company. In accordance with accepted practices, she immediately applied for unemployment benefits and was accepted. Shortly after that, the Defendants requested that she come back to work in her previous position and advised her to give up her

unemployment benefits which included the right to health insurance coverage. In fact, Defendants advised the Plaintiff that she would lose her unemployment benefits if she refused to come back because Defendants would notify unemployment that her old position was available. Defendants entered into this action for their own economic benefit at the expense of LaTrecia Clayton. In a gross misrepresentation the Defendants advised LaTrecia that she would have health coverage as before in the same manner as her previous employment. In fact, she was advised she was simply returning to her same position as before. That was not the case and health insurance was never provided to her upon her return to work. That was true despite the fact that there were continuing promises that it would be reinstated within a short time. Further, many of the entitlements and benefits of her position were never restored to Pre-Covid status. LaTrecia fell ill with cancer almost immediately on her return to work with the Defendants and was unable to receive necessary treatment from the time of her diagnosis on June 25, 2020 until finally qualifying for Medicaid during mid August 2020. During that time she suffered considerable pain, discomfort, and did not get the treatment she needed that would have almost certainly have prevented her death which occurred on June 30, 2021.

V.

CAUSES OF ACTION AGAINST DEFENDANTS

I. STATUS OF DEFENDANTS

The Defendants at all times alleged herein acted in the furtherance of the Business enterprise(s) that were served by LaTrecia Clayton in her role as an employee, borrowed servant, or other capacity under the control and direction of the Defendants. Defendants acted singularly, or in the alternative, in concert with one another to commit the acts alleged herein.

Such actions were for their own individual and/or collective economic benefit at the expense of the health and life of LaTrecia Clayton.

A. NEGLIGENCE OF DEFENDANTS

Defendants were negligent in failing to use ordinary care in advising employees and prospective employees and in particular, LaTrecia Clayton, as to the availability and applicability of health insurance upon her return to work. An ordinarily prudent employer would have understood and appreciated both the fact that the Plaintiff was coverable by Health Insurance while on unemployment coverage through the State of Texas, and not carelessly jeopardized that coverage in a demand to return to employment without such coverage being available. This is especially true during a time of National Health Crisis such as the Covid-19 Pandemic. In fact, Defendants were negligent not only in Failing to advise of the non-existence of coverage, they went so far as to represent that coverage was to be provided upon LaTrecia's return to employment. They further forced the Plaintiff's return to work by threatening action that would deny the Plaintiff unemployment benefits if she did not return to work. They negligently misrepresented that she could return to her old job with all of its same right and benefits. These representations were negligent misrepresentations by the defendants that were entirely false and relied upon by the plaintiff to her significant detriment. Such negligence as outlined in this paragraph and more fully herein above and below on the part of the defendants' was the proximate cause of physical pain, mental anguish, and physical impairment suffered by LaTrecia Clayton, and ultimately her death. Plaintiffs herein are wrongful death beneficiaries and bring those claims accordingly as well as a survival claim by the estate.

A. INTENTIONAL MISREPRESENTATION BY THE DEFENDANTS

The Defendants at all times material hereto were aware that the representations made to LaTrecia Clayton were misleading and false. In particular, Defendants had no intention of offering health insurance coverage or other entitlement previously provided through her employment on LaTrecia's return to work and yet made the blatantly false misrepresentation that the same would be provided. In fact, the Defendant's enticed LaTrecia to return and compelled the same by telling her she would be provided insurance within two weeks. After working at IHOP for a month, they left her without the opportunity for treatment, proximately causing pain, anguish and ultimately her death.

B. FRAUD IN THE INDUCEMENT BY THE DEFENDANTS

The Defendants committed fraud in the inducement by advising LaTrecia that if she returned to work she would be covered by insurance and that she must give up unemployment benefits in order to keep her same position of employment with the Defendants. Such a fraudulent representation was 1) material in that it's falsity in that it deprived LaTrecia of badly needed medical care during an illness that ultimately took her life. 2) The representation was false in that the insurance was not provided and not available to Latricia. 3) When the defendants, either themselves, or through their agents, employees or servants, made the representation, they knew it was false or recklessly asserted it without knowledge of it's truth. 4) When the statement was made, Defendants intended that it be acted upon by LaTrecia in order to get her to come back to her place of employment with them. 5) LaTrecia relied to her detriment on the false representation and gave up the right to insurance coverage and other entitlements returned to work with the Defendants, and 6) LaTrecia was harmed as a result and ultimately died due to the misrepresentation by the Defendants.

VICARIOUS LIABILITY, RESPONDEAT SUPERIOR, AGENCY, OSTENSIBLE AGENCY

At all times material hereto and during the matters alleged herein, the Defendant, Karyn Abrue, and any other individuals not specifically named herein, but implicit in the misrepresentations described herein were employees of the Defendants, acting within their course and scope of employment of the Defendants, and were under the control of the Defendants and their actions were at all times known fully to the Defendants and as such, the conduct of those making the representations herein alleged is impuned directly to the Defendants named herein. As such, the Plaintiffs invoke the doctrines of vicarious liability, respondeat superior, agency, and ostensible agency.

**VI.
DAMAGES**

A. ESTATE OF LATRICIA CLAYTON SURVIVORSHIP CLAIM

As a proximate result of the negligence, gross negligence, and in the alternative intentional acts of the Defendants their servants, employees, and or agents, as above described, Plaintiffs, both Individually and as Representatives of the Estate of LaTrecia Clayton, would show that pursuant to Section 71 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE (the "Survival Statute"), as the Representatives of the Estate of LaTrecia Clayton, are entitled to bring this suit for the injuries that she received which resulted in her death. Such survival damages include the pain and suffering and mental anguish that she suffered prior to her death, including the conscious physical pain and emotional pain, torment, and suffering experienced by her before her death as a result of the misrepresentations in question.

B. PLAINTIFFS' WRONGFUL DEATH CLAIMS

Further, pursuant to Section 71 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE (the "Wrongful Death Statute"), Plaintiffs as the surviving spouse and children of LaTrecia Clayton and individually and on behalf of all statutory beneficiaries under the Wrongful Death Statute, are entitled to bring this cause of action for all damages that they have suffered as a result of the wrongful death of LaTrecia Clayton.

Such wrongful death damages, for the past and future, includes the Plaintiffs' pecuniary loss, meaning the loss of care, maintenance, support, services, advice, counsel and reasonable contributions of a pecuniary value that they would, in reasonable probability, have received from LaTrecia had she lived; the Plaintiffs' loss of companionship and society, meaning the loss of the positive benefits flowing from the love, comfort, companionship, and society that they would, in reasonable probability, have received from LaTrecia had she lived; the Plaintiffs' mental anguish, meaning the emotional pain, torment, and suffering experienced by Plaintiffs because of the death of LaTrecia, and the Plaintiffs' loss of inheritance resulting from the death of LaTrecia

For the reasons set forth above, Plaintiffs have suffered loss and damages in an amount that exceeds the minimum jurisdictional limits of this Court, for which Plaintiffs hereby sue.

C. DAMAGES OF ESTATE OF LATRECIA CLAYTON.

As a result of Defendants' negligence or in the alternative, intentional acts, the Estate of LaTrecia Clayton has suffered the following injuries in the past:

- (a) Physical pain and suffering in the past;
- (b) Mental anguish in the past;
- (c) Physical impairment; and
- (d) Funeral and burial expenses.

D. DAMAGES OF PLAINTIFFS AS A WRONGFUL DEATH BENEFICIARIES

As a result of Defendants' negligence or in the alternative intentional acts, Plaintiffs have suffered the following injuries in the past and will continue into the future:

- (a) Mental anguish;
- (b) Pain and suffering;
- (c) Loss of companionship and society;
- (d) Loss of inheritance; and
- (e) Loss of wages and income that would have been received but for the death of

LaTrecia.

- (f) Pecuniary loss at her death.

In addition to the foregoing, Plaintiffs further seek exemplary and punitive damages in this case.

As required by Rule 47(b) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs' counsel state that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c) of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs' counsel state that Plaintiffs seek monetary relief over \$1,000,000.00. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

VII.
JURY DEMAND

Plaintiffs demand a jury trial and have tendered the appropriate fee.

VIII.
CONDITIONS PRECEDENT & CAPACITIES

All conditions precedent, if any, have been performed or have occurred. Plaintiffs sue Defendants in all capacities in which they are entitled to recover.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon the trial of this cause, Plaintiffs have judgment against Defendants, both jointly and severally, for all of their damages as set out herein, pre-judgment interest at the highest legal rate allowed by law, post-judgment interest at the highest legal rate allowed by law, all cost of court, and for such other and further relief, both general and special, either at law or in equity, to which Plaintiffs deem themselves justly entitled.

Respectfully submitted,

SMITH McDOWELL GINN

By: 

JOHN C. GINN

State Bar No. 07966900

SMITH, McDOWELL & GINN

315 South Gilmer

Sulphur Springs, Texas 75482

903-855-3116

903-885-7549 Fax

jcgin@easttexaslaw.com

ATTORNEY FOR THE PLAINTIFFS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Eydie Ginn on behalf of John Ginn
Bar No. 07966900
eg@easttexaslaw.com
Envelope ID: 63163365
Status as of 4/1/2022 8:08 AM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT
John C.Ginn		jcginn@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT

TAB 11

CV44961

Filed 3/31/2022 5:55 PM
Cheryl Fulcher
District Clerk
Hopkins County, Texas
Makayla Holt

LAW OFFICES

SMITH McDOWELL GINN

315 GILMER STREET • P.O. Box 493

SULPHUR SPRINGS, TEXAS
75483

HOWARD S. SMITH (1912-1988)

WILLIAM McDOWELL, P.C.

JOHN C. GINN*

BOARD CERTIFIED

TEXAS BOARD OF LEGAL SPECIALIZATION

*PERSONAL INJURY TRIAL LAW

NATIONAL BOARD OF TRIAL ADVOCACY

*CIVIL TRIAL LAW

TELEPHONE

(903) 885-3116

FAX

(903) 885-7549

*ALSO LICENSED IN THE
DISTRICT OF COLUMBIA

March 31, 2022

Ms. Cheryl Fulcher
282 Rosemont Street, Suite 2
Sulphur Springs, Texas

Re: Cause No. CV44961
Paul Clayton, Individually and Both as Representative of the Estate of Latrecia Clayton,
Deceased and As Next Friend for Malachi Clayton, Samara Clayton, Minor Children, &
Aaliyah Clayton, Individually vs. Elite Restaurant Partners, LLC, A.C.G. Texas, LP,
A.C.G. Texas General Partnership, LLC, A.C.G. 308, L.P., A.C.G. Texas Restaurants,
L.L.C., International House of Pancakes, L.L.C., Karyn Abrue, and A.C.G. 3411, L.P.
Request for Citations

Dear Ms. Fulcher:

Please issue a citation for the following Respondent:

- A.C.G. 3411, L.P.
Registered Agent - Joseph E. Langteau
1778 N. Plano Road, Suite 100
Richardson, Texas 75081

After the citation has been issued, please forward to me at eg@easttexaslaw.com for service by a private process server.

Sincerely,

Eydie Ginn

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Eydie Ginn on behalf of John Ginn
Bar No. 07966900
eg@easttexaslaw.com
Envelope ID: 63163365
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Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
John C.Ginn		jcginn@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT
Eydie Ginn		eg@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT
Liz Vice		lv@easttexaslaw.com	3/31/2022 5:55:26 PM	SENT

TAB 12

CAUSE NO. CV44961

THE STATE OF TEXAS:

ATTORNEY FOR PLAINTIFF OR DEFENDANT

CHERYL FULCHER – DISTRICT CLERK
282 ROSEMONT STREET, SUITE 2
SULPHUR SPRINGS, TX 75482

JOHN GINN
P O BOX 493
315 S GILMER STREET
SULPHUR SPRINGS, TX 75483

CITATION FOR PERSONAL SERVICE

TO: A.C.G. 3411, L.P.
REGISTERED AGENT: JOSEPH E. LANGTEAU
1778 N. PLANOR RD, SUITE 100
RICHARDSON, TX 75081

DEFENDANT:

You are hereby commanded to appear before the **62ND JUDICIAL DISTRICT** Court of Hopkins County, Texas, to be held at the Courthouse of said County in the City of Sulphur Springs, Hopkins County, Texas, by filing a written answer to the petition of plaintiff's on or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof a copy of which accompanies this citation, in Cause No. **CV44961**

PAUL CLAYTON, INDIVIDUALLY &

ELITE RESTAURANT PARTNERS, LLC

BOTH AS REPRESENTATIVE OF THE vs

A.C.G. TEXAS LP, A.C.G. TEXAS

ESTATE OF LATRCIA CLAYTON,
LLC

GENERAL PARTNERSHIP.

Filed in said Court on 1st day of March, 2022.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

WITNESS, CHERYL FULCHER, DISTRICT CLERK OF THE DISTRICT COURT OF HOPKINS COUNTY, TEXAS.

Issued and given under my hand and seal of said Court at office, this the 1st day of April A.D., 2022.



CHERYL FULCHER – DISTRICT CLERK
HOPKINS COUNTY, TEXAS

Makyla Holt, Deputy

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____M., on the ____ day of _____, _____. Executed at _____ in _____ County at _____ o'clock ____M. on the ____ day of _____, 20____, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

TOTAL SERVICE FEE \$ _____

_____, Sheriff/Const
_____, County, Texas

By: _____

TAB 13

CV44961

Filed 4/6/2022 11:00 AM
Cheryl Fulcher
District Clerk
Hopkins County, Texas
Makayla Holt



**Office of the Sheriff
New Castle County, Delaware**

**Scott T. Phillips
Sheriff**

Louis L. Redding City/County Bldg.
800 N. French Street
Wilmington, DE 19801
Office: 302-395-8450, Fax: 302-395-8460

3/18/2022

AFFIDAVIT OF SERVICE

STATE OF DELAWARE)

) SS

NEW CASTLE COUNTY)

**Court Case # CV44961
Sheriff # 22-001582**

CHERYYL FULCHER

vs

JOHN GINN

Ronald Fioravanti, being duly sworn, deposes that he/she is a Deputy Sheriff and avers that he/she served upon and left personally upon Registered Agent Representative **Amy McLaren** at **CORPORATION TRUST COMPANY 1209 N. ORANGE STREET WILMINGTON, DE 19801** on 3/16/2022 at 3:00 PM a copy of PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND CITATION for **ELITE RESTAURANT PARTNERS, LLC**.

The Deponent further avers that he/she knew the person so served to be the same person as mentioned in the Out of State document.
Fees Paid: \$75.00

Ronald Fioravanti, Deputy Sheriff

STATE OF DELAWARE)

) SS

NEW CASTLE COUNTY)

BE IT REMEMBERED that on 3/18/2022 personally came before me, the Subscriber, a Notary Public of the State of Delaware, Ronald Fioravanti, a Deputy Sheriff of New Castle County and State of Delaware and stated that the facts stated above are true and correct.

SWORN AND SUBSCRIBED before me, the date and year aforesaid.

Notary Public



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Eydie Ginn on behalf of John Ginn
Bar No. 07966900
eg@easttexaslaw.com
Envelope ID: 63311284
Status as of 4/6/2022 11:06 AM CST

Associated Case Party: PAULCLAYTON

Name	BarNumber	Email	TimestampSubmitted	Status
Liz Vice		lv@easttexaslaw.com	4/6/2022 11:00:58 AM	SENT
John C. Ginn		jcginn@easttexaslaw.com	4/6/2022 11:00:58 AM	SENT
Eydie Ginn		eg@easttexaslaw.com	4/6/2022 11:00:58 AM	SENT